

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

Group I: Claims 1-13, drawn to a process for the preparation of an enzyme-containing granulate suitable for use in an animal feed, the process comprising obtaining a dry enzyme containing granulate and coating the granulate with a dispersion comprising particles of a hydrophobic substance dispersed in a suitable solvent.

Group II: Claims 14 and 17, drawn to an enzyme-containing granulate coated with a dispersion of particles consisting essentially of a hydrophobic substance and a feed comprising the said granulate.

Group III: Claims 15-16, drawn to a process for the preparation of an animal feed, or a premix or precursor to an animal feed, said process comprising mixing an enzyme-containing granulate coated with a dispersion of particles consisting essentially of a hydrophobic substance with one or more animal feed substances or ingredients.

Group IV: Claim 18, drawn to a process for promoting the growth of an animal, the process comprising feeding an animal a diet that comprises either an enzyme-containing granulate coated with a dispersion of particles consisting essentially of a hydrophobic substance or a feed comprising the said granulate.

Applicants hereby elect Group II, Claims 14 and 17, drawn to an enzyme-containing granulate coated with a dispersion of particles consisting essentially of a hydrophobic substance and a feed comprising said granulate, with traverse, on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a burden exists in searching the claims of the four groups.

Moreover, the MPEP at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

In view of the dependency of product by process Claim 14 on the process of Claim 1, Applicants have taken the liberty to amend Claim 14 to an independent claim form which recites verbatim the process of unelected Claim 1. Furthermore, the recitations of unelected Claims 2-13 have been added as new Claims 21-32 except that they are now dependent on the amended product by process Claim 14. Accordingly, by this amendment the Group II claims should comprise Claims 14, 17 and 21-32. These amendments are appropriate because Claim 14 should be independent and stand on its own without being dependent on a non-elected independent claim.

With reference to the Examiner's statement at the top of page 3 of the outstanding Office Action, Applicants advise the Examiner that the cited WO 01/25411 does not contain any disclosure of a dispersion comprising particles of a hydrophobic substance. The word “dispersion” is only used once in this reference at page 12, line 18, in the context of an enzyme liquid to be spray dried. In the entire document, no dispersion is mentioned, not to speak of a dispersion containing a hydrophobic substance (as claimed in Claim 1). Additionally, WO 01/25411 does not contain the word “hydrophobic” at all. With all due respect, if this reference contains a concrete disclosure or even a suggestion of a dispersion

comprising particles of a hydrophobic substance, Applicants request the citation of a page and line for the document.

Regarding the two election of species requirements, Applicants object to these requirements on the basis of a missing unity of invention. For Claim 13 Applicants elect phytase. For Claim 7 Applicants elect fat-like and wax-like substances. The Claim 7 species distinguish between non-polymeric hydrophobic substances and polymeric substances such as polyethylene or polypropylene.

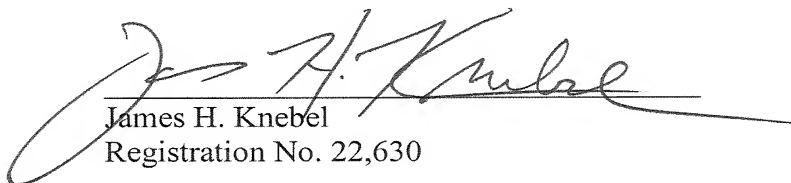
Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 06/04)



James H. Knebel  
Registration No. 22,630